

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America)

v.)

Stephen Hardison)

Case No: 5:08-CR-278-2BR

USM No: 25827-056

Date of Previous Judgment: June 1, 2009)

(Use Date of Last Amended Judgment if Applicable))

Defendant's Attorney Pro Se

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the _____ defendant _____ under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and the court having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____ months.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____ Amended Offense Level: _____

Criminal History Category: _____ Criminal History Category: _____

Previous Guideline Range: _____ to _____ months Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain) :

III. ADDITIONAL COMMENTS

The court sentenced defendant on June 1, 2009. At that time Amendment 706 to the U.S. Sentencing Guidelines, upon which defendant bases his motion, was in effect. Also, Amendment 715, which specifically addresses the two-level reduction under Amendment 706 to cases such as this involving cocaine base and one or more controlled substances, was in effect. As shown by defendant's Presentence Report paragraph 57, both Amendments were applied to defendant and he in fact received a two-level reduction in his base offense level.

Except as provided above, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: 2/7/2011



Judge's signature

Effective Date: _____
(if different from order date)

W. Earl Britt, Senior U.S. District Judge
Printed name and title